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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of J. Burnes et al.

Date: January 7, 2005

Serial No. 10/677,771

Examiner: M. Safavi

Filed: 10/1/03

Art Group: 3673

For: Faceted end cap for leaching chamber

Atty Docket No. 2312

AMENDMENT AND RESPONSE TO OFFICE ACTION

Please amend the claims as shown in the enclosed status of claims.

REMARKS

1. This is in response to the office action of October 7, 2004 in which the examiner rejected some claims and indicated others might be allowable but were objected to.
2. Applicants have re-written their claims to better state the invention. Argument hereinafter is addressed to them as such. Applicants do not believe any fee is payable in connection with the amendment, but if it is please charge Deposit Account 14-0711, reference number 2312.

3. Rejection under 35 USC 102

A 35 USC 102 rejection must show each and every element of the invention. In the first, instance, the Maestro patent '777 does not do that. Applicants claim an end cap for a storm water chamber, which end cap has buttresses. Examiner has pointed out portal features 38 which are on the sidewall of a chamber 10. The chamber is not an end cap, nor equivalent to one. Maestro chamber 10 has end walls which are equivalent to end caps, and as best as can be ascertained they are flat panels.

The examiner may be inferring that since a second chamber connects to first chamber that the second chamber is an "end cap". If so, that is a distortion of the meaning of end cap or end plate or end wall, as the terms are used and understood in the art. End plates/caps are known in the art, as the Nichols 5839844 patent of record shows. End caps are devices which close off the end of a chamber. Chamber 10 does not do that to another chamber.

Thus, each and every element of the invention is not disclosed. The argument below about the 35 USC 103 rejection is hereby incorporated by reference, to further state what